

## **REMARKS**

Claims 1, 2, 6-12 and 20 remain pending in the present application. Claims 1 and 20 have been amended. Basis for the amendments can be found throughout the specification, claims and drawings as originally filed.

## **DRAWINGS**

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "47" in Figure 2. Figure 2 has been amended to overcome the objection. Withdrawal of the objection is respectfully requested.

## **REJECTION UNDER 35 U.S.C. § 102**

Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by Fahrnschon, et al. (EP 332827 A). Applicant respectfully traverses this rejection. Fahrnschon, et al. discloses pneumatic shock absorbers (4) which because they are associated with a leveling system are level shock absorbers. Enclosed is a copy of Fahrnschon, et al. which includes an English translation of the claims. As stated in Claim 1, air suspension elements (4) are for resiliently supporting the car body in relation to the vehicle axles. Thus, the elements (4) depicted in the drawings are a shock absorber which does not resiliently support the car body, it dampens the movement and an air spring or the like which resiliently supports the vehicle. The pressurized fluid is supplied to the air spring or the like to effect leveling of the vehicle. There is nothing in Fahrnschon, et al. which discloses vehicle damping. The

pressurized air is not supplied to the working chamber of the shock absorber because supplying pressurized fluid to the shock absorber would only increase its internal pressure and would not effect leveling since it is not possible to maintain a higher pressure on one side of the shock absorber piston due to the piston valving.

Thus, Fahrnschon, et al. discloses air springs and not shock absorbers as can be seen from the English version of Claim 1. Claim 1 has been amended to define that the gas disposed within the upper and lower working chambers of the working chamber are controlled. The specification defines the working chamber 50 as comprising upper working chamber 52 and lower working chamber 54 and this amendment clarifies that the pressure within the entire working chamber is controlled.

Thus, Applicant believes Claim 1 patentably distinguishes over the art of record. Reconsideration of the rejection is respectfully requested.

#### **REJECTION UNDER 35 U.S.C. § 103**

Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Fahrnschon, et al. in view of Miller, et al. (U.S. Pat. No. 6,637,555). Claims 12 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Fahrnschon, et al. in view of Grundei, et al. (U.S. Pat. No. 5,971,117) and in view of Miller, et al. Claims 2 and 12 depend from Claim 1. As stated above, Claim 1 has been amended and is now believed to patentably distinguish over the art of record. Thus, Claims 2 and 12 are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

Claim 20 has been amended in a similar manner as Claim 1. Thus, the above discussion of Fahrnschon, et al. applies here also. Thus, Applicant believes Claim 20 patentably distinguishes over the art of record. Reconsideration of the rejection is respectfully requested.

#### **REJOINDER**

Applicant respectfully requests the rejoinder of Claims 6-11.

#### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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